

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Miscellaneous Case No. 1:11-mc-47-JL

Alfred J. Capone, Jr.

ORDER

I herewith approve the [5] Report and Recommendation of Magistrate Judge Landya B. McCafferty dated November 16, 2011, no objection having been filed.

It is ordered that the taxpayer, Alfred J. Capone, Jr., obey the summonses and that he appear on January 18, 2012, at 9:00 a.m., at the IRS office located at 80 Daniel Street, 4th Floor, Portsmouth, New Hampshire, before Officer Ann MacKean-Hartery (or any other authorized Revenue Officer of the IRS) to give testimony and produce all books and records in his possession or control required and called for by the terms of the summonses of April 13, 2011.

I further order that the government be awarded its costs.

The failure to file any objection to the Report and Recommendation precludes

any appeal of this case to the First Circuit Court of Appeals. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011) (citing United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008)); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection precluded on appeal).

SO ORDERED.

December 5, 2011

/s/ Joseph N. Laplante  
Joseph N. Laplante  
Chief Judge

cc: Gretchen Leah Witt, AUSA  
Alfred J. Capone, Jr., pro se